Indiana Bat/Rangewide Conservation Strategy
and Programmatic Consultation

Indiana Bat/Northern Long-eared Bat

ESA Range-wide Programmatic Consultation

September 12, 2016
Status of Consultation

- Biological Assessment revised May 20, 2016
  - Updated/clarified some of the NLAA information
  - Added suite of LAA actions
- Biological Opinion issued May 20, 2016
Scope and Consultation Parameters

- Includes projects that will result in no effect, are not likely to adversely affect (NLAA), or that are likely to adversely affect (LAA) Indiana bat and/or NLEB.
- Covers most types of transportation projects which are within 300 feet from edge of road/rail ballast AND at least 0.5 miles from Indiana bat or NLEB hibernacula.
- Includes clearing of suitable roost trees up to 20 acres per project (~5 miles of road).
- A project with over 20 acres of tree clearing may use the programmatic with USFWS approval on a case-by-case basis.
Scope and Consultation Parameters

- Does NOT include tree removal within documented Indiana bat roosting/foraging habitat or travel corridors from May 1 through July 31.
- Does NOT include tree removal within 150 feet of documented NLEB roosts from June 1 through July 31.
- Does NOT include tree removal within 0.5 miles of Indiana/NLEB hibernacula.
- Includes a limited set of transportation NE or NLAA activities within 0.5 miles of Indiana bat/NLEB hibernacula.
- Includes projects outside 300 feet of edge of road/rail ballast with negative bat surveys (NLAA).
One Reasonable and Prudent Measure

- The Transportation Agencies will ensure that State/local transportation agencies, which choose to include eligible projects under this programmatic action, incorporate all applicable conservation measures (avoidance, minimization, and compensation) in the project proposals submitted to USFWS for ESA section 7 compliance using this BO.
Two Terms and Conditions

• The Transportation Agencies or their representatives will offer annual instruction to appropriate personnel who are involved in developing and implementing projects for inclusion in this programmatic action. This instruction shall inform personnel about:
  – The criteria for determining that a project is eligible for such inclusion;
  – Developing the information required in the Project Submittal Form;
  – The required conservation measures; and
  – The administrative process for using this BO as the mechanism for project-level ESA section 7 compliance.
Two Terms and Conditions

- The Transportation Agencies, State/local DOTs will make all reasonable efforts to educate personnel to report any sick, injured, and/or dead bats (regardless of species) located in the Action Area during construction, operations, maintenance, or monitoring activities immediately to the local USFWS Field Office. Due to the number of staff/contractors, it is not expected or required to educate all personnel working in the Action Area, but only those who are most likely to observe bats during the course of normal working conditions.
Consultation Process

One-tiered process for NLAA: 14 day USFWS consistency review (no USFWS response or concurrence needed).

Two-tiered process for LAA: 30 day USFWS review after receipt of completed application package.

– For projects with Indiana bat, USFWS will provide a project-specific incidental take statement (ITS).

– For projects with only NLEB, USFWS has 30 days to review and no USFWS concurrence/response is required. Follows the same process as the 4(d) Programmatic Biological Opinion.
Required Consultation Provisions

• Action specific avoidance/minimization measures (AMMs).
• Compensatory mitigation (such as forest preservation, enhancement, or creation) to offset project impacts and help conserve bats.
Mitigation Ratios for Indiana bat

<table>
<thead>
<tr>
<th>Project Location</th>
<th>&lt;30% Forest Density</th>
<th>≥30% Forest Density</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Active**</td>
<td>Inactive**</td>
</tr>
<tr>
<td>0-100 ft. edge of road/rail</td>
<td>1.5</td>
<td>NLAA</td>
</tr>
<tr>
<td>0-100 ft. edge of road/rail (documented Indiana bat roosting/foraging habitat)</td>
<td>2.25</td>
<td>1.75</td>
</tr>
<tr>
<td>100-300 ft. from edge of road/rail</td>
<td>2.25</td>
<td>1.75</td>
</tr>
</tbody>
</table>

*Note that matrix is for projects that are LAA Indiana bat. The table is not for use with NLEB only projects.*

*Forest density data is available by county.*

**The local USFWS Office establishes these dates.*
Indiana Bat Mitigation Options

1. National in-lieu fee program with The Conservation Fund (in development)

2. Approved conservation banks

3. State/local in-lieu fee programs approved by USFWS

4. State/local conservation project
Northern Long-eared Bat

- FHWA’s rangewide consultation is fully consistent with the USFWS’ Intra-Service Programmatic Biological Opinion on the NLEB 4(d) Rule.

- Transportation agencies can use the FHWA consultation for actions that do not include any activities that would result in “prohibited take” (e.g., no removal of documented roosts or trees within 150 feet of roosts in June/July).

- Any activities that are LAA for the NLEB that are described in the range-wide consultation will have a similar reporting requirement as given in USFWS’ PBO on the 4(d) rule.
Northern Long-eared Bat

- Voluntary conservation measures, no incidental take statement, no reasonable and prudent measures, and no terms and conditions.
  - Transportation agencies may still get to NLAA for many projects and continue to use the streamlined range-wide process established in 2015.
  - Projects may need to incorporate AMMs to get to NLAA for the NLEB.
Also Available

- User’s Guide
- Scoping Worksheet
- Project Submittal Form
- AMMs
- Bridge/Structure Assessment Guidelines and Form
- Compensatory Mitigation Ratio % Forest by County Spreadsheet
- Conservation Focus Area Guidance
What’s Coming

- Range-wide In-Lieu-Fee Program
- Revisions/clarifications to May 2016 BA and BO
Visit the USFWS website for more information:
http://www.fws.gov/Midwest/Endangered/section7/fhwa/index.html
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